

**OPINION
52-112**

March 30, 1952 (OPINION)

MOTOR VEHICLES

RE: Overload - Penalty

We have your request for an opinion construing the extent of the penalties provided for in Senate Bill 88. Under subdivision 1 it provides for a tolerance of 1000 pounds and if the overload is less than 2000 pounds the penalty would be one cent per pound for each pound in excess of 1000 and less than 2000. For example, if the overload was 1950 pounds there would be a one cent penalty on 950 pounds.

Under subdivisions 2, 3, 4, 5 and 6 the penalty would be on each pound of overload where the overload is in excess of 2000 pounds. That is, under subdivision 2 it would be two cents, etc. That is, the amount of penalty per pound set out in each subdivision carries the entire load and there is no tolerance in any subdivision except the first.

Under subdivision 6 there is a straight ten cents per pound penalty on every pound of overload, and assuming the overload was 5500 pounds, the fine would be \$550. Under subdivision 4 if the excess was 4500 pounds the fine would be \$270. Under subdivision 4 an excess of 3500 pounds would be \$140. Under subdivision 3 an excess load of 2500 pounds the fine would be \$50 and an excess of 1950 pounds the fine would be \$9.50.

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